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OFFICE OF PETITIONS

In re Application of	:	
Luciano, et al.	:	
Application No. 10/750,275	:	ON PETITION
Filed: December 30, 2003	:	
Attorney Docket No. 10407/989	:	

This is a decision on the petition filed October 8, 2004, requesting that the above-identified application be accorded a filing date of December 30, 2003, including pages 18-26 of the specification.

The application was submitted on December 30, 2003. However, on September 8, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items" (Notice) that stated the application had been accorded a filing date, and that pages 18-26 of the specification appear to have been omitted.

In response, on October 8, 2004, the present petition was filed wherein petitioner argues pages 18-26 of the specification were filed on December 30, 2003. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of twenty-seven (27) pages of Continuation Utility Patent Application on December 30, 2003. A review of the application file indicates the presence of eighteen (18) pages of specification (pages 1-17 and 27), with pages 18-26 (nine (9) pages) missing. It is assumed that the missing pages (pages 18-26) of specification were misplaced by the Office.

In view of the above, the petition is granted.

The \$130.00 petition fee will be refunded to deposit account no. 50-2811.

This application will be returned to OIPE for further processing with a filing date of December 30, 2003, using the copy of pages 18-26 of the specification, supplied on October 8, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

A handwritten signature in dark ink, appearing to read 'Ed J. Tannouse', with a long horizontal flourish extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office